

PXHUB

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: C.R. BARD, INC., PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2187

IN RE: AMERICAN MEDICAL SYSTEMS, INC., PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2325

IN RE: BOSTON SCIENTIFIC, PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2326

IN RE: ETHICON, INC., PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2327

IN RE: COOPLAST PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2387

IN RE: COOK MEDICAL, INC, PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL NO. 2440

IN RE NEOMEDIC PELVIC REPAIR SYSTEM
PRODUCT LIABILITY LITIGATION

MDL NO. 2511

THIS DOCUMENT RELATES TO ALL CASES

**DECLARATION OF SHANIN SPECTER IN CONNECTION WITH KLINE & SPECTER'S
OBJECTION TO THE RECOMMENDED ALLOCATION OF COMMON BENEFIT FEES
AND THE REIMBURSEMENT OF SHARED EXPENSES AND HELD COSTS BY THE
COURT APPOINTED EXTERNAL REVIEW SPECIALIST**

I, Shanin Specter, aver:

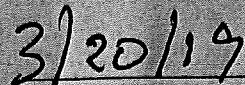
1. I am a founding partner of Kline & Specter, P.C. ("Kline & Specter").

2. This Declaration is based upon personal knowledge and is made subject to penalties of law for false statements.
3. On January 3, 2019, I, along with Kline & Specter partner Lee Balefsky, participated in a teleconference with former judge Daniel J. Stack regarding the Pelvic Mesh Fee and Cost Committee's recommended common benefit allocation for Kline & Specter.
4. During the January 3, 2019 meeting, Former Judge Stack said:
 - a. Former Judge Stack attended some but not all of the FCC meetings regarding the recommendations.
 - b. Former Judge Stack signed the preliminary recommendations by the FCC.
 - c. Former Judge Stack stated that he "probably should not have" signed the recommendations.
 - d. Former Judge Stack stated that he has "no opinion on the appropriateness of the fees," however he gave his input and participated in the FCC deliberations.
 - e. Former Judge Stack stated that he "didn't feel comfortable signing" the FCC preliminary recommendations.
 - f. Former Judge Stack stated that he didn't think Kline & Specter had any cases filed in the TVM MDL's. This is incorrect.
 - g. Former Judge Stack said that Kline & Specter's common benefit fee should be more than the \$3.7 million awarded by the FCC.

h. Former Judge Stack said that he would contact Kline & Specter before he made his final recommendation. He did not do so.



Shanin Specter
Kline & Specter, P.C.



Date

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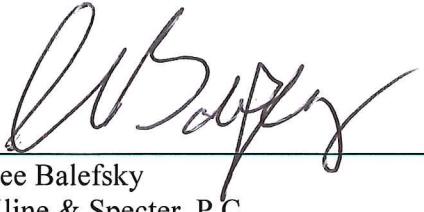
**AFFIDAVIT OF LEE BALEFSKY IN CONNECTION WITH KLINE & SPECTER'S OBJECTION
TO THE RECOMMENDED ALLOCATION OF COMMON BENEFIT FEES AND THE
REIMBURSEMENT OF SHARED EXPENSES AND HELD COSTS BY THE COURT APPOINTED
EXTERNAL REVIEW SPECIALIST**

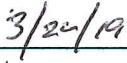
I, Lee Balefsky, aver:

1. I am a partner with the law firm of Kline & Specter, P.C. ("Kline & Specter").

2. This Affidavit is based upon personal knowledge.
3. On January 3, 2019, I, along with Kline & Specter founding Partner Shanin Specter, participated in a teleconference with former judge Daniel J. Stack regarding the Pelvic Mesh Fee and Cost Committee's recommended common benefit allocation for Kline & Specter.
4. During the January 3, 2019 meeting, Former Judge Stack said the following:
 - a. Former Judge Stack attended some but not all of the FCC meetings regarding the recommendations.
 - b. Former Judge Stack signed the preliminary recommendations by the FCC.
 - c. Former Judge Stack stated that he "probably should not have" signed the recommendations.
 - d. Former Judge Stack stated that he has "no opinion on the appropriateness of the fees", however he gave his input and participated in the FCC deliberations.
 - e. Former Judge Stack stated that he "didn't feel comfortable signing" the FCC preliminary recommendations.
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 - g. Former Judge Stack said that Kline & Specter's common benefit fee should be more than the \$3.7 million awarded by the FCC.

h. Former Judge Stack said that he would contact Kline & Specter before he made his final recommendation. He did not do so.


Lee Balefsky
Kline & Specter, P.C.


Date

Sworn and subscribed before me
this ^{22nd} day of March 2019.

Danielle Serad

